



UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office

Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
09/051,070	04/02/98	APPLEBY	S 36-1201

NIXON & VANDERHYE  
1100 NORTH GLEBE ROAD  
8TH FLOOR  
ARLINGTON VA 22201

LM02/0719

EXAMINER

PHAN, T

ART UNIT	PAPER NUMBER
----------	--------------

2763

DATE MAILED:

07/19/00

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

<b>Office Action Summary</b>	Application No. 09/051,070	Applicant(s) Appleby, Stephen
	Examiner Thai Phan	Group Art Unit 2763

Responsive to communication(s) filed on \_\_\_\_\_

This action is FINAL.

Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle* 35 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

#### Disposition of Claim

Claim(s) 1-19 is/are pending in the application

Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration

Claim(s) \_\_\_\_\_ is/are allowed.

Claim(s) 1-19 is/are rejected.

Claim(s) \_\_\_\_\_ is/are objected to.

Claims \_\_\_\_\_ are subject to restriction or election requirement.

#### Application Papers

See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

The proposed drawing correction, filed on \_\_\_\_\_ is  approved  disapproved.

The specification is objected to by the Examiner.

The oath or declaration is objected to by the Examiner.

#### Priority under 35 U.S.C. § 119

Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

All  Some\*  None of the CERTIFIED copies of the priority documents have been

received.

received in Application No. (Series Code/Serial Number) \_\_\_\_\_.

received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_

Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

#### Attachment(s)

Notice of References Cited, PTO-892

Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_

Interview Summary, PTO-413

Notice of Draftsperson's Patent Drawing Review, PTO-948

Notice of Informal Patent Application, PTO-152

— SEE OFFICE ACTION ON THE FOLLOWING PAGES —

## **DETAILED ACTION**

This official action is in response to patent application S/N: 09/051,070. Claims 1-19 are pending in this official action.

### ***Specification***

1. Applicant is reminded of the proper content of an abstract of the disclosure.

A patent abstract is a concise statement of the technical disclosure of the patent and should include that which is new in the art to which the invention pertains. If the patent is of a basic nature, the entire technical disclosure may be new in the art, and the abstract should be directed to the entire disclosure. If the patent is in the nature of an improvement in an old apparatus, process, product, or composition, the abstract should include the technical disclosure of the improvement. If the new technical disclosure involves modifications or alternatives, the abstract should mention by way of example the preferred modification or alternative.

The abstract should be limited to within a single paragraph.

### ***Claim Objections***

2. Claim 14 is objected to under 37 CFR 1.75© as being in improper form because a multiple dependent claim 14 to any of claims 6-9. See MPEP § 608.01(n).

### ***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 1-19 are rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential structural cooperative relationships of elements, such omission amounting to a

gap between the necessary structural connections. Lack of structural connection between claimed elements leads to distinctly and definitely claim subject matter.

5. Claims 17-19 recites the limitation "the target language" in page 28, line 2 . There is insufficient antecedent basis for this limitation in the claims

***Claim Rejections - 35 USC § 102***

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371© of this title before the invention thereof by the applicant for patent.

7. Claims 1-19 are rejected under 35 U.S.C. 102(e) as being anticipated by Morin et al., patent no. 5,748,841.

As per claim 1, Morin anticipated a computerized method and computer system for learning language simulation (Abstract, col. 3, line 6 to col. 4, line 64). According to Morin, the method and system includes steps of receiving input dialogue (Fig. 1, col. 5, lines 43-61), means for storing lexical data relating to individual words of the input dialogue; means for storing rule specifying grammatical rules for input dialogue (Fig. 10, col. 14, 15, 17, for example), means for transaction dialogue, a central dialogue processor (60) arranged as shown in Figs. 1, 2 of the present patent to recognize the occurrence of words contained in the lexical stored in the

relationships specified by rules in accordance with the data specified in the transaction, and independence upon recognition, to generate output dialogue when correct dialogue has been recognized (cols. 9-11, 13-15), and an output means for making output dialogue available (cols. 19-22).

As per claim 2, Morin disclosed rules and relationships of these rules.

As per claim 3, Morin disclosed words agreement such as number, genders, etc.

As per claims 4-5, Morin disclosed dialogue recognition (cols. 3-4) based on such as semantic grammar rules, syntactic structures, lexicons, etc. It would include detect recognized errors as claimed

As per claim 6, Morin disclosed language training including different target languages.

As per claims 7-11, Morin disclosed the system for use to recognize text, speech, voice, other peripheral device inputs.

As per claim 12, Morin disclosed speech synthesis or synthesizer as claimed (col. 8, lines 38-45).

As per claims 13-15, Morin disclosed user interface (Figs. 1-4), including a computer, display, input means and graphic user interface.

As per claim 16, Morin disclosed communication channel connected dialogue server remotely.

As per claims 17-19, Morin anticipated a computerized method and computer system for learning language simulation (Abstract, col. 3, line 6 to col. 4, line 64). According to Morin, the method and system includes steps of receiving input dialogue (Fig. 1, col. 5, lines 43-61), means

for storing lexical data relating to individual words of the input dialogue, means for storing rule specifying grammatical rules for input dialogue (Fig. 10, col. 14, 15, 17, for example), means for transaction dialogue, a central dialogue processor (60) arranged as shown in Figs. 1, 2 of the present patent to recognize the occurrence of words contained in the lexical stored in the relationships specified by rules in accordance with the data specified in the transaction, and independence upon recognition, to generate output dialogue when correct dialogue has been recognized (cols. 9-11, 13-15), and an output means for making output dialogue available (cols. 19-22).

***Claim Rejections - 35 USC. § 102***

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8. Claims 17-19 are rejected under 35 U.S.C. 102(b) as being anticipated by Berger et al., patent 5,510,981, issued on Apr. 23, 1996.

As per claims 17-19, Berger anticipated the claimed invention. Berger system comprises a processor arranged to accept input dialogue in a target language, to detect recognized errors in the input dialogue, to generate responsive output dialogue in the target language, and to generate recognized errors in separate indication as claimed.

*Conclusion*

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.
  1. Patent no. 5,748,973, issued to Palmer et al., May 5, 1998.
  2. Patent no. 5,805,832, issued to Brown et al., Sept. 8, 1998.
10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thai Phan whose telephone number is (703) 305-3812.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703)305-3900.

**Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks  
Washington, D.C. 20231

**or faxed to:**

(703) 308-9051, (for formal communications intended for entry)

**Or:**

(703) 308-1396 (for informal or draft communications, please label  
"PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive,  
Arlington, VA., Sixth Floor (Receptionist).

July 16, 2000

*Russell W. Frys*  
RUSSELL W. FRYE  
PATENT EXAMINER